

**Remarks/Arguments:**

With the present response, claims 1-39 are pending, with claims 21-31 having been withdrawn from consideration as a result of a Restriction Requirement.

**Claim rejections**

Claims 1-20, 32-39 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0095205 to Edwin et al. ("Edwin") in view of any of U.S. Patent Application Publication No. 2004/0044399 to Ventura ("Ventura"), U.S. Patent Application Publication No. 2003/0069630 to Burgermeister et al. ("Burgermeister"), U.S. Patent Application Publication No. 2002/0193867 to Gladdish, Jr. et al. ("Gladdish"), U.S. Patent No. 6,579,314 to Lombardi ("Lombardi I"), U.S. Patent No. 7,037,330 to Rivelli, Jr. et al. ("Rivelli"), U.S. Patent No. 6,878,162 to Bales et al. ("Bales"), U.S. Patent No. 6,156,053 to Richter et al. ("Richter"), U.S. Patent No. 5,707,386 to Schnepf-Pesch et al. ("Schnepf-Pesch") and further in view of any of U.S. Patent No. 6,203,568 to Lombardi et al. ("Lombardi II"), U.S. Patent Application Publication No. 2004/00115228 to Lombardi et al. ("Lombardi III"), U.S. Patent No. 6,635,082 to Hossainy et al. ("Hossainy"), or U.S. Patent Application Publication No. 2002/0103528 to Schaldach et al. ("Schaldach"). Applicants respectfully traverse this rejection.

Independent claim 1 recites, *inter alia*, a stent comprising a connector strut, with a radiopaque marker attached to the connector strut. Independent claim 20 recites, *inter alia*, a stent comprising a connector strut, with the strut having at least one marker which is radiopaque. Independent claim 32 recites, *inter alia*, a covered stent comprising a connector strut with a radiopaque marker attached to the connector strut. Independent claim 33 recites, *inter alia*, a stent comprising linear connecting members with at least one radiopaque marker attached to at least one of the linear connecting members. Each of the independent claims recites, in some form, a radiopaque marker on a strut of the stent.

Edwin is cited for disclosing a stent having a plurality of interconnected struts. Office Action, page 2, lines 24-25. Ventura, Burgermeister, and Gladdish are cited for teaching connector struts having at least one marker. Office Action, page 3, line 12 - page 4, line 1. The Office Action concludes that the placement of markers at the location of the connector

strut would have been an obvious equivalence from the teachings of any of Ventura, Burgermeister, and Gladdish. Office Action, page 4, lines 1-4.

Edwin recites "[i]mportantly, the stent itself cannot be coated with radiopaque metal as the metal can interfere with the stent's self-expanding or other metallic properties." Para. [0012]. Emphasis added. In an embodiment shown in FIGS. 1 and 2, Edwin discloses a radiopaque coating 14 circumferentially layered around a graft 12. Para. [0022]. This embodiment fails to disclose or suggest a stent.

In an embodiment shown in FIG. 3, a radiopaque marker 40 is placed around an abluminal layer of a stent 34. Para. [0024]. This embodiment fails to disclose or suggest the marker being attached to the stent. In an embodiment shown in FIG. 4, radiopaque strips 60 are positioned on top of an inner tubular layer 52 before a metal support 54 is placed thereon. Para. [0025]. This embodiment fails to disclose or suggest the radiopaque strips connected to the stent.

Further, in an embodiment illustrated in FIG. 5, Edwin further discloses radiopaque disks 80 that are located, not on stent 74, but "within a diamond of the stent 74." Para. [0027]. Edwin continues to state that "because the disks are so located, they can be placed *onto the inner tubular layer 72* either before or after the stent 74 is assembled thereon." Para. [0027]. Emphasis added. Again, Edwin fails to disclose or suggest radiopaque markers connected to the stent.

Edwin not only fails to disclose or suggest the limitation of a radiopaque marker attached to a connector strut of a stent (as acknowledged in the Office Action at Page 3, lines 12-13), but by stating that it is important that the stent itself cannot be coated with radiopaque metal, Edwin explicitly *teaches away from* affixing radiopaque material onto the stent itself. One having ordinary skill in the art would therefore not look to combine Edwin with any of the other cited references to form the claimed invention, namely, a stent having a radiopaque marker on a connector strut of the stent. Applicants respectfully submit that it would not be obvious, in light of Edwin's teaching against affixing radiopaque material to the stent itself, to combine Edwin with any of any of Ventura, Burgermeister, and Gladdish, to form the stent of any of claims 1, 20, 32, and 33.

Applicants therefore respectfully submit that the rejection of each of independent claims 1, 20, 32, and 33 is improper, and respectfully request reconsideration and allowance

of the claims. Claims 2-19, and 37 all ultimately depend from claim 1, claim 38 depends from claim 20, claim 39 depends from claim 32, and claims 34-36 depend from claim 33.

Applicants respectfully submit that these claims are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 20, 32, and 33.


Reconsideration and allowance of the claims is respectfully requested.

Claims 14 and 15 stand rejected under under 35 U.S.C. §103(a) as unpatentable over Edwin in view of any of Ventura, Burgermeister, Gladdish, Lombardi I, Rivelli, Bales, Richter, Schnepf-Pesch and any of Lombardi II, Lombardi III, Hossainy, or Schaldach, and further in view of U.S. Patent No. 6,488,701 to Nolting et al. Claims 14 and 15 ultimately depend from claim 1, and Applicants respectfully submit that claims 14 and 15 are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of claims 14 and 15 is respectfully requested.

### **Conclusion**

In light of the above arguments, Applicants respectfully submit that the present application is in condition for allowance. Prompt reconsideration and allowance is respectfully requested.

Respectfully submitted,

  
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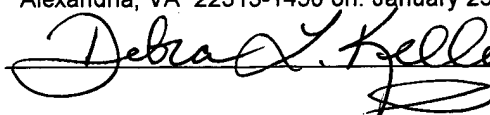
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